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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MAVRIX PHOTOGRAPHS LLC, a
California limited liability company,

Plaintiff,

v.

HOMORAZZI MEDIA INC., a Canadian
Corporation; HOMORAZZI.COM, a
business form unknown: DONOVAN
PAGTAKHAN, and individual: PATRICK
LEVESQUE, an individual: and DOES 1-
10, inclusive,

Defendants.

Case No.:

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff, Mavrix Photographs LLC, complains against Defendant, Homorazzi
2 Media, Inc., a Canadian corporation, www.homorazzi.com, a business form unknown,
3 Donovan Pagtakhan, an individual, Patrick Levesque, an individual, and DOES 1-10
4 (collectively, "Defendants") as follows:

5 **JURISDICTION AND VENUE**

6 1. This is a civil action against Defendants for copyright infringement under the
7 Copyright Act, 17 U.S.C. §§ 101 *et seq.* This Court has subject matter jurisdiction under
8 28 U.S.C. § 1331, 17 U.S.C. § 501(a), and 28 U.S.C. § 1338(a) and (b).

9 2. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c) and 28
10 U.S.C. § 1400(a) in that the claim arises in this Judicial District, the Defendants may be
11 found and transact business in this Judicial District, and the injury suffered by Plaintiff took
12 place in this Judicial District. Defendants are subject to the general and specific personal
13 jurisdiction of this Court at least because of their contacts with the State of California.

14 **PARTIES**

15 3. Plaintiff Mavrix Photographs LLC ("Mavrix") is a limited liability company
16 incorporated and existing under the laws of California, with its principal place of business
17 located in Los Angeles, California.

18 4. Defendant Homorazzi Media, Inc. ("Homorazzi Media") is, on information
19 and belief, incorporated under the laws of Canada, with its principle place of business in
20 Vancouver, Canada.

21 5. Defendant homorazzi.com is, on information and belief, a website based in
22 Vancouver, Canada under common control. Its business form is unknown.

23 6. Defendant Donovan Pagtakhan is an individual residing in Canada. Mavrix is
24 informed and believes that Pagtakhan is an owner and operator of www.homorazzi.com.

25 7. Defendant Patrick Levesque is an individual residing in Canada. Mavrix is
26 informed and believes that Levesque is an owner and operator of www.homorazzi.com.

27 8. The true names or capacities, whether individual, corporate or otherwise, of
28 the Defendants named herein as DOES 1 through 10, inclusive, are unknown to Plaintiff,

1 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of
2 Court to amend this Complaint and insert the true names and capacities of said Defendants
3 when the same have been ascertained.

4 9. Plaintiff is informed and believes, and, upon such, alleges that each of the
5 Defendants designated herein as a "DOE" is legally responsible in some manner for the
6 events and happenings herein alleged, and that Plaintiff's damages as alleged herein were
7 proximately caused by such Defendants.

8 **FACTS COMMON TO ALL COUNTS**

9 10. Mavrix owns by way of assignment the copyrights to certain photos owned by
10 Mavrix Photo, Inc. (MPI) a prominent celebrity photography agency that licenses its
11 photographs to its end customers: the world's leading newspapers, television programs and
12 magazines, like the Daily Mail of London, People, or US Weekly.

13 11. Homorazzi Media owns and operates the website <http://www.homorazzi.com>
14 (the Website).

15 12. The Website makes money based upon an ad revenue business model. The
16 Website is one of the largest Websites in the world in terms of traffic. According to the
17 recognized internet rankings organization, CubeStat, the Website receives 16,399 page
18 views per day and ranking 69,875 out of the many millions of websites in existence.
19 Defendant has driven massive traffic to its website in part due to the presence of the sought
20 after and searched-for celebrity images, the copyrights to which are owned by third parties
21 (not Defendant or, to Defendants' knowledge and awareness, Defendants' users who
22 upload the images and other content). All of this traffic translates to significant advertising
23 revenue. As such, content websites may effectively monetize the content on their websites
24 by securing eyeballs on the sites which translates to ad revenue. Consequently, the
25 Defendants are able to, and do have, in effect a national online photo library located at the
26 www.Homorazzi.com website, which generates massive revenue for Defendant all by the
27 posting of content, none of which on information and belief is owned or licensed by
28 Defendant.

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2 13. The Website targets consumers in California. It contains stories about
3 American celebrities, many of whom reside in Los Angeles, and the advertisements
4 delivered by the Website are tailored for consumers within California.

5 14. Homorazzi Media is operated by the co-founders of Homorazzi.com, and
6 operates out of their Vancouver office. The Website identifies the co-founders as Donovan
7 Pagtakhan and Patrick Levesque.

8 15. On or about June 3, 2011, Mavrix took photographs of pop star Katy Perry
9 (the "Photos"). Mavrix sought and received a federal copyright registration on the Photos
10 within 90 days of their first publication. A true and correct copy of the copyright certificate
11 is attached hereto as Exhibit A. These Photos had substantial market value to Mavrix if
12 they could be licensed on an exclusive basis to a celebrity news publication.

13 16. Soon thereafter, on or about June 24, 2011, Defendants placed on
14 www.homorazzi.com at least 2 images of the Photos, displaying those images for the entire
15 world to see and download for free if desired. Attached hereto as Exhibit B are screen
16 captures of the Photos as they appeared on www.homorazzi.com. Defendants displayed the
17 Photos on the website without permission and without a copyright license. Defendants'
18 publishing of the Photos destroyed the market value of them for Mavrix.

19 **FIRST CLAIM FOR RELIEF**

20 **(Copyright Infringement, 17 U.S.C. § 501 Against all Defendants)**

21 17. Mavrix incorporates hereby reference the allegations in paragraphs 1 through
22 16 above.

23 18. Mavrix is the owner of all rights, title, and interest in the copyrights to the
24 Photos, which substantially consist of material wholly original and which are copyright
25 subject matter under the laws of the United States.

26 19. The Photos were timely registered with the United States Copyright Office.
27
28

1 20. Defendants have directly, vicariously, contributorily and/or by inducement
2 infringed Mavrix's copyrights by reproducing, displaying, distributing, and utilizing the
3 Photos for purposes of trade violation of 17 U.S.C. § 501 *et seq.*

4 21. All of the Defendants' acts are and were performed without permission,
5 license, or consent of Mavrix.

6 22. Mavrix has identified infringement on the Website by way of unlawful
7 reproduction and display of the Photos (as well as the unlawful facilitation of other's
8 reproduction of the Photos). If other infringements are discovered in this case, then they
9 will be identified in discovery and the pleadings will thus conform to the evidence adduced
10 at trial.

11 23. As a result of the acts of Defendants alleged herein, Mavrix has suffered
12 damage.

13 24. Defendants have willfully infringed, and unless enjoined, will continue to
14 infringe Mavrix's copyrights by knowingly reproducing, displaying, distributing, and
15 utilizing the Photos. Defendants had specific knowledge that the Photos were on its
16 website and Defendants had overwhelming circumstantial evidence to believe that the
17 pictures were the work of professional photographers and, therefore, were posted in
18 violation of the Copyright Act.

19 25. The wrongful acts of Defendants have caused, and are causing, injury to
20 Mavrix, which damage cannot be accurately computed, and unless this Court restrains
21 Defendants from further commission of said acts, Mavrix will suffer irreparable injury, for
22 all of which it is without an adequate remedy at law. Accordingly, Mavrix seeks a
23 declaration that Defendants are infringing Mavrix's copyrights and an order under 17
24 U.S.C. § 502 enjoining Defendants from any further infringement.

25 26. In light of the willful nature of the copyright infringement, Mavrix is also
26 entitled to an award of statutory damages and its attorney's fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendants as follows:

1. The Defendants, and their officers, agents, servants, employees, and representatives, and all persons in active concert or participation with them, be permanently enjoined from copying, reproducing, displaying, promoting, advertising, distributing, or selling, or any other form of dealing or transaction in, any and all Photos of Mavrix.

2. An accounting be made for all profits, income, receipts or other benefit derived by Defendants from the unlawful reproduction, copying, display, promotion, distribution, or sale of products and services, or other media, either now known or hereafter devised, that improperly or unlawfully infringes upon Plaintiff's copyrights pursuant to 17 U.S.C. §§ 504 (a)(1) & (b).

3. Actual damages for copyright infringement pursuant to 17 U.S.C. §§ 504 (a)(1) & (b).

4. Statutory damages for copyright infringement, including willful infringement, in accordance with 17 U.S.C. §§ 504(a)(2) & (c) and for costs, interest and reasonable attorney's fees pursuant to 17 U.S.C. § 505.

5. That Plaintiff be awarded any such other and further relief as the Court may deem just and appropriate.

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1 Dated: December 20, 2013

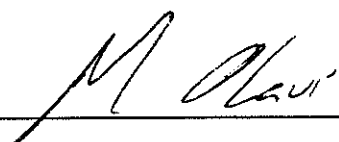
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9 By:


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14 **DEMAND FOR JURY TRIAL**

15 Plaintiff Mavrix hereby demands trial by jury of all issues so triable under the law.

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17 Dated: December 20, 2013

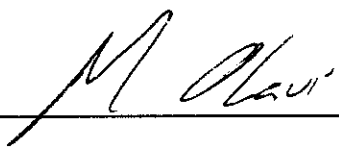
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